

REMARKS

Claims 1-3 and 30-44 are pending in this application, claims 1-3 and 42-44 of which stand rejected, and claims 30-40 of which have been allowed. Based on the foregoing amendments and following remarks, entry of this amendment, and reconsideration and allowance of this application is respectfully requested.

Claims 1-3 and 41-44 stand rejected under 35 U.S.C. §103, as being obvious over U.S. Patent No. 5,698,807 (“Massie”). Applicant respectfully traverses this rejection, since Massie does not disclose the combination of elements required by these claims, as amended.

Although Applicant disagrees that there is any suggestion to incorporate a microphone within the device of Massie, or to transform the Massie device into a hearing aid worn in or on a user’s ear, Applicant has amended independent claim 1 to clarify that the signal processing algorithm contained within the hearing aid addresses a hearing impairment. Thus, the claimed invention is clearly distinguished from the Massie device, which, in contrast, uses a signal processing algorithm that corrects the pitch in recorded sounds.

Thus, Applicant submits that independent claim 1, as well as the claims depending therefrom (claims 2-3 and 41-44), are not obvious over Massie, and as such, respectfully request withdrawal of the rejections of these claims.

Conclusion

Based on the foregoing, it is believed that, with entry of this amendment, all claims are allowable, and thus, a Notice of Allowance is respectfully requested. If the Examiner has any questions or comments regarding this amendment, the Examiner is respectfully requested to contact

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the undersigned at (714) 830-0600.

Respectfully submitted,

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